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EXAMINER

THERIAULT, STEVEN B

ART UNIT	PAPER NUMBER
	2179

DATE MAILED: 06/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/087,118	BARRIE ET AL.
	Examiner	Art Unit
	Steven B. Theriault	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 03 March 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 43-68 and 70 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 43-68, 70 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date: _____
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date: _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: RCE filed on 03/03/2006

This action is made Final.

2. Claims 43-68 and 70 are pending in the case. Claim 43 is the independent claim. Claims 1-42 and 69 are the cancelled claims.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/03/2006 has been entered.

Claim Rejections - 35 USC § 103

3. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. **Claims 43-52, 54-57, 59-68 and 70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carden et al (hereinafter Carden) International Publication No. WO 00/72114 A2 issued Nov. 30, 2000 and filed May 22, 2000 and in view of Broder et al (hereinafter Broder) U.S. Patent No. 6,349,296 issued Feb. 19, 2002 and filed Aug. 21, 2000.**

In regard to **Independent claim 43**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The user interface allows multiple user types to log into the specific areas in which there profile is authorized for (Figures 5 and 7). Carden teaches a user interface that requires a user ID (identifies the user) and password (predefined) to log into the system which is validated and the main menu screen (result) is presented (Carden Figure 6 and 7 and page 11, lines 22-35 and page 12, lines 1-25). Carden also teaches the process of editors sending review instructions to the reviewers that are either in a stock or computer driven format or customized by the editor. Additionally, Carden teaches the reviewers use a client-approved score sheet for completing the reviews which is stored in the system and subsequently published to the author. Carden also teaches the system uses a web server and is comprised of a plurality of computers (Carden page 2, lines 1-34 and page 27, lines 12-34 and page 28, lines 29-34).

Compare with claim 43:

A system for reviewing papers, comprising;

- *A user interface for identifying the user, for accepting predefined user information, for uploading papers to be reviewed, and for providing a result;*
- *An originality checking application operably linked to said user interface, said originality checking application comprising knowledge base information and defined rules for checking uploaded papers for plagiarism;*
- *A peer review application operably linked to said user interface, said peer review application comprising knowledge base information and defined rules for reviewing uploaded papers and for completing and submitting a review of said uploaded papers; and,*
- *A computer system having stored therein said originality checking application and said peer review application, wherein said computer system comprises computer memory and a computer processor.*

Carden fails to expressly disclose:

- *Wherein said originality checking application includes rules for:*
 - *Obtaining, fingerprinting, and storing on a database relevant documents from a variety of sources which might be copied*
 - *Fingerprinting uploaded papers to be checked for originality*
 - *Comparing a fingerprint of a paper to fingerprints of relevant documents to identify possible matches*
 - *Comparing said paper's full text to a full text of all said possible matches,*
 - *Generating an originality report which highlights those portions of the paper which match portions of said relevant documents identified as possible matches; wherein said originality report further comprises a report of the level of duplication between said paper's full text and said full text of said possible matches;*

However, Broder teaches the process of digital fingerprinting of entire documents by breaking the document into a series of tokens called Shingles and by also checking entire document to entire document (See column 10, lines 12-31). A shingle is a contiguous set of tokens that specifically identify the document and a relation to other documents to form a set of fingerprints. The fingerprints represent a sketch of a document a good estimate regarding the resemblance of documents. Further, Broder teaches that any desired level of resemblance can be used from a basic level to a very-high level of resemblance can be used while filtering the documents (Broder column 4, lines 17-25 and 65-67 and column 5, lines 1-5 and 34-55 and column 11, lines 55-65). Broder also teaches the output of a result by showing the ordered pair list where all of the documents with the shared shingle will be presented and were the level of resemblance is tracked and displayed in the track. Broder also teaches the storing or storage of over 100 million documents in the search engine, which is a database of searchable content (Broder column 12, lines 1-5) that can accept a new document for storage and allow the resemblance checking to occur.

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Broder before him at the time of the invention was made, to modify the system of Carden to incorporate the resemblance checking and result output as taught by Broder, in order to obtain a system that is able to incorporate a plagiarism

checking mechanism along with an author submissions of new or existing documents.

One would have been motivated to make such a combination because of the expressed teaching of Broder to use the technique by authors to detect copies of their work or even to detect minor changes or even in licensing terms (see column 12, lines 15-3) and

Carden is a system used by authors to submit bodies of work to their peers for review.

With respect to **dependent claim 44**, Carden teaches *an intermediary service provider operably linked to said computer system, wherein said intermediary service provider is capable of displaying said user interface to all users who are in communication with said user interface* (Carden page 6, lines 15-29). Carden teaches a peer review system that is hosted on a service providers computer or on a specific publishers computer, which allows users to access the system or module that corresponds to their profile via a display screen or browser.

With respect to **dependent claim 45**, Carden teaches *the predefined user information is used to categorize users as one or more of the group consisting of submitters, sponsors, reviewers, administrators, and visitors* (Carden page 10, lines 4-34 and page 11, lines 1-20) Carden teaches the user groups of Author (Submitter), Editor- in-Chief and Associate Editors (Sponsor), Reviewers or referees (Reviewers) and Administrative staff (Administrators).

With respect to **dependent claim 46**, Carden teaches *the predefined user information comprises identification information and a paper responsive to an assignment when said user is identified as a submitter* (Carden page 6, lines 1-4 and page 7, lines 32-34 and page 8, lines 1-11 and page 11, lines 30-35 and page 12, lines 1-25) Carden teaches a system that can readily used for academic applications or examinations. Additionally, Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Carden also teaches specific submission requirements designed

by the publisher or editor that are presented to the author, which require the author to submit information based on the submitted document.

With respect to **dependent claim 47**, Carden teaches *the predefined user information comprises identification information and a response to a peer review assignment when said user is identified as a reviewer* (Carden page 12, lines 1-25 and page 11, lines 3-6 and page 27, lines 3-20).

Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Additionally, Carden teaches the reviewers, once they have responded to e-mail inquiries regarding the manuscript for accepting the review assignment, are assigned to the manuscript by the review editor. Carden also teaches the reviewers perform the peer review based on a score sheet and then they enter the document in the system.

With respect to **dependent claim 48**, Carden teaches *the result is a peer review report* (Carden page 5, lines 25-35 and page 6, lines 5-14 and page 21, lines 16-24 and figure 14) Carden teaches a system for submitting media, written materials, graphics, articles and manuscripts through the Internet which permits the materials to be reviewed edited and then published. Carden teaches the management and tracking of the peer review process is accomplished via reports and listings.

With respect to **dependent claim 49**, Carden teaches *the user is identified as a sponsor, said predefined user information comprises information needed to create an assignment to generate submission of a paper* (Carden page 12, lines 1-25 and page 24, lines 15-34 and page 27, lines 12-29). Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Additionally, Carden teaches the reviewer editor determines the reviewers to be assigned to the manuscript. The editor uses the reviewers' personal information, number of current assignments, and review

history to determine eligibility. Carden also teaches that the reviewers use a score sheet for scoring the manuscript that is client-approved and they have links for instructions for reviewing the manuscript.

With respect to **dependent claim 50**, as indicated in the above discussion, Carden discloses every limitation of claim 49.

Carden fails to expressly disclose *the result is an originality report*.

However, Evans discloses an apparatus for retrieving similar or identical passages from a set of documents. If a match is found the passage is displayed for further review. Evans teaches the purpose of locating specific instances where unauthorized reproduction of a manuscript are not entirely the original authors writings is desired to confirm that the documents do not contain instances of plagiarism (Evans column 1, lines 40-47).

Accordingly, It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Evans before him at the time of the invention was made, to modify the peer review process and reports as taught by Carden to include plagiarism checking of Evans, in order to obtain a system that is able to confirm instances of plagiarism before credit is awarded and display the outcome in a report. One would have been motivated to make such a combination because the publishers and academic institutions have a need to ensure manuscripts are original works of authorship as taught by Evans.

With respect to **dependent claim 51**, Carden teaches *the user is identified as a sponsor, said predefined user information comprises information needed to create a peer review assignment, define reviewers, define criteria for rating each paper, and define criteria by which papers are to be distributed to said reviewers* (Carden page 12, lines 1-25 and page 24, lines 15-34 and page 27, lines 12-29). Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Additionally, Carden teaches the reviewer editor determines the reviewers to be assigned to the

manuscript. The editor uses the reviewers' personal information, number of current assignments, and review history to determine eligibility. Carden also teaches that the reviewers use a score sheet for scoring the manuscript that is client-approved and they have links for instructions for reviewing the manuscript.

With respect to **dependent claim 52**, Carden teaches wherein *said reviewers comprise the set of those submitting papers responsive to an assignment created by said sponsor* (Carden page 6, lines 1-4 and page 12, lines 1-25 and page 6, lines 30-34). Carden teaches a system that can readily used for academic applications or examinations. Additionally, Carden teaches the use of a user ID and password and e-mail validation process to identify the user profile as a reviewer, an editor or author or combination thereof. Carden teaches that the editor (sponsor) determines the reviewers for a specific document and the notification of assignment to a document to review.

With respect to **dependent claim 54**, Carden teaches *the peer review assignment includes a first date for completing the review of each paper, and a second date when each peer review result will be available to submitters* (Carden page 17, lines 29-34 and page 21, lines 16-24 and page 25, lines 4-10 and lines 30-33). Carden teaches the setting up of schedules that control the sending of automatic and system sent e-mails throughout the process. The e-mails are sent on pre-determined schedules. Carden also teaches the ability to track the entire peer review process. For example, Carden teaches the ability to track the time from submission to first decision and acceptance, the time from editor in chief to editor, time from editor to reviewer and the dates of completion. It is in the examiners interpretation that the ability to track time implies timestamps, which are dates. Additionally, Carden teaches a process of updating a manuscripts' history to show if a reviewer accepts late. Carden also teaches that once a reviewer has completed the review that the access to the manuscript is removed

With respect to **dependent claim 55**, Carden teaches *the rules eliminate links enabling a reviewer to complete a peer review assignment once said first date has passed* (Carden page 25, lines 4-10). Carden teaches the process of removing the access to a manuscript if a reviewer attempts to accept to review the manuscript after a specific date.

With respect to **dependent claim 56**, Carden teaches *the user interface provides notice to a reviewer of a peer review assignment, at least one link to each paper assigned for review, and at least one link to a peer review page having spaces for accepting the reviewer's responses to queries defining the criteria for rating each assigned paper* (Carden page 6, lines 30-34 and page 10, lines 26-34 and page 24, lines 20-34 and page 27, lines 13-15) Carden teaches a system that includes dynamic e-mails to parties to acknowledge the status of the materials, to invite reviewers to review a specific document, and to gather decisions on a specific document. Carden also teaches the reviewers have links in an e-mail, which include the instructions for the review. Additionally, Carden teaches a client-approved score sheet is used as a basis for the peer review and attached to the review are comments and remarks that are entered into the system fields.

With respect to **dependent claim 57**, Carden teaches an administrative function that allows a user access to the database that allows for reports to be generated to view the list of corresponding and contributing authors linked to a manuscript ID, a list of editors, a list of reviewers, a list of all manuscripts, all of the steps of the peer process, all performance histories and a list of manuscripts by editor decision (Carden page 17, lines 5-10 and page 21, lines 7-25). Compare with claim 57:

The knowledge base information comprises a list of potential submitters, a list of potential sponsors, a list of potential reviewers, a library of questions and rubrics which can be used in reviewing papers, at least one paper to be checked for originality and reviewed, completed peer reviews and peer review reports.

Carden does not expressly teach a document originality checking application. However, Evans teaches a plagiarism checking system where similar or identical passages that are found in documents are flagged for review and displayed (Evans column 3, lines 30-56). Evans and Carden are similar in that they both deal with the reviewing of documents prior to publication. It would have been obvious to one of ordinary skill in the art, having the teachings of Carden and Evans before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the authenticity verification processes of Evans, in order to obtain a system that is able to confirm that the submitted documents do not contain instances of plagiarism. One would have been motivated to make such a combination because of the compelling need to ensure the works are original is needed as taught by Evans.

With respect to **dependent claim 59**, Carden teaches the *computer memory is capable of storing said knowledge base information, rules, and peer review application* (Carden page 2, lines 16-34). Carden teaches the system is an Apache HTTP web server. The server has all of the application modules and the database located on it. Carden also teaches the application can be loaded on a specific publisher or editors computer and users can access the application from there.

With respect to **dependent claim 60**, Carden teaches the *intermediary service provider is a hosted electronic environment* (Carden page 6, lines 15-35 and figure 3). Carden teaches a hosted environment on a service providers computer.

With respect to **dependent claim 61**, Carden teaches the *hosted electronic environment is a website accessible on the internet* (Carden page 6, lines 15-35 and figure 3). Carden teaches the system is hosted on the service providers computer and the site is accessed by all parties from that site.

With respect to **dependent claim 62**, Carden teaches the *user information includes identification data used to verify the user as a subscriber* (Carden page 6, liens 15-34 and page 12, lines 1-25). Carden teaches the use of a user ID and password to verify a users ability to log on to the system. Carden also teaches that societies and publications subscribe to the service providers service, which allows for easy identification of users who access the specific modules.

With respect to **dependent claim 63**, Carden teaches a library of peer review assignments (Carden page 21, lines 7-30). Carden teaches the editor (sponsor) has access to all manuscripts and manuscript histories through a search function in the interface. Carden also teaches the history would include all of the steps of the peer review process and all reviews. Additionally, Carden teaches the ability to generate a report from the database containing all of the manuscripts using a filter on type or decision or editor or time or outcome or status or all of the above.

With respect to **dependent claim 64**, Carden teaches *the third date when a reminder of the first date is sent to each reviewer* (Carden page 17, lines 29-34) Carden teaches the system contains a pre-determined schedule for sending out automatic e-mail reminders notifying the reviewer when a review is due or over-due.

With respect to **dependent claim 65**, Carden teaches the *user is remote from said computer system and accesses said user interface using a remote computing device in communication with said computer system and capable of using said user interface* (Carden figure 3 and page 7, lines 23-35) Carden teaches a publishing system on the internet or via a networked environment. Carden teaches the user can access the system remotely via an Ethernet, Token Ring, ATM or DSL network.

With respect to **dependent claim 66**, Carden teaches a *calendaring application stored on said computer system, said calendaring application operably linked to said user interface and comprising knowledge base information and defined rules for (a) establishing and storing dates for completing assignments and (b) linking abbreviated calendar entries to full-text assignment requirements* (Carden figure 12(g) and page 17, lines 29-30 and page 20, lines 14-15 and page 26, lines 1-10) Carden shows a schedule control feature in figure 12g in which schedules are controlled by the administrator. Additionally, Carden teaches the ability to add comments and remarks to the review via the user interface (Carden page 27, lines 28-34).

With respect to **dependent claim 67**, Carden teaches an *inbox application stored on said computer system, said inbox application operably linked to said user interface and comprising knowledge base information and defined rules for creating an inbox for each user* (Carden page 17, lines 23-29) Carden teaches a designated area in the system for creating and maintaining all e-mail correspondence in the system.

With respect to **dependent claim 68**, Carden teaches an *application for storing notes on said computer system for later access by submitters and reviewers* (Carden figure 13 and page 19, lines 19-25) Carden teaches the ability for a user to add notes to a manuscript for review by others in the system.

With respect to **dependent claim 70**, Carden teaches the *peer review application includes rules for:*

(a) *Accepting a paper for peer review* (Carden page 2, lines 25-34 and page 3, lines 5-19)

Carden teaches a peer review system and a process for submitting a document

(b) *Defining a peer review assignment* (Carden page 24, lines 19-27) Carden teaches the process of assigning reviewers to an assignment.

(c) Assigning said paper to a defined set of reviewers for review (Carden page 24, lines 19-27) Carden teaches the process of assigning reviewers to an assignment.

(d) Providing to said reviewers criteria for reviewing each said paper to produce a peer review result, and (Carden page 27, lines 10-34) Carden teaches the manuscripts are reviewed using set of instructions and a score sheet provided by the editor.

(e) Processing all peer review results for any paper to produce a peer review report (Carden page 17, lines 1-34 and page 21, lines 7-34) Carden teaches the process of producing a report of the peer review process which will include a list of all the manuscripts by ID and by status.

5. **Claims 53 and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carden et al (hereinafter Carden) International Publication No. WO 00/72114 A2, issued Nov. 30, 2000 and filed May 22, 2000 and in view of Evans et al (hereinafter Evans) U.S. Patent No. 6,029,167 issued Feb. 22, 2000 and filed July 25, 1997, in further view of Edward Gehringer et al (hereinafter Gehringer), "Strategies and Mechanisms For Electronic Peer Review", October 18-21, 2000, ASEE/IEEE Frontiers in Education Conference, Session F1B, pp 2-7.**

With respect to **dependent claim 53**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The system allows multiple user types to manage a peer review process of the submitted media and provides for a reporting mechanism to reflect the various stages of the process. The system allows the editor to assign a set of reviewers. The editor chooses the reviewers based on the reviewers current workload, experience and reviewing history (Carden page 2, lines 4-34 and page 24, lines 15-27). Compare with claim 53:

The knowledge base information and rules include rules for randomly assigning said paper to any reviewer except the submitter, and for assigning to each reviewer only the number of papers predetermined by the sponsor.

Carden does not expressly teach that the reviewers are assigned at random. However, Gehringer teaches a peer review system where the reviewers can be assigned randomly. Gehringer teaches a peer-grading system for reviewing student assignments on the Internet. Students use the system to submit their assignments. Once the assignments are submitted the reviewers are assigned to review and grade the student assignments (Gehringer page 2, lines 1-20 and page 5, column 1, lines 6-12).

Neither Gehringer nor Carden teach a mechanism for checking for plagiarism. However, Evans discloses a mechanism for locating unauthorized reproduction of a specific manuscript has occurred and flags the passage for review. Carden, Gehringer and Evans are analogous art since each disclosure teaches a mechanism for accepting and reviewing documents prior to publication.

Therefore, It would have been obvious to one of ordinary skill in the art, having the teachings of Carden, Evans and Gehringer before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the random review process of Gehringer, and the plagiarism checking system of Evans, in order to obtain a system that is able to perform a peer review and assign reviewers at random and validate a documents authenticity. One would have been motivated to make such a combination because the need to assign arbitrary reviewers within a peer review process as taught by Gehringer and the need for academic institutions and publishers to check manuscripts for authenticity as taught by Evans.

With respect to **dependent claim 58**, Carden teaches a hosted publishing system that accepts manuscripts, or graphics or media from authors for review prior to publication within a society or with a given publisher. The system allows multiple user types to manage a peer review process of the submitted media and provides for a reporting mechanism to reflect the various stages of the process. The system allows the editor to assign a set of reviewers. The editor chooses the reviewers based on the reviewers current workload, experience and reviewing history. Carden also teaches the instructions and process for reviewing the manuscripts are customizable and

sent to the reviewers. The instructions are in the form of a set of links (Carden page 2, lines 4-34 and page 24, lines 15-27). Compare with claim 58:

The predefined rules include selectable reviewing criteria to be used to create a peer review result, rules for random assignment of papers, rules for establishing the start and finish dates of the peer review assignment, and rules for creating a peer review report from all peer review results.

Neither Carden nor Evans expressly teaches the rules for random assignment of papers. However, Gehringer teaches a peer review system where the reviewers can be assigned randomly using either algebraic or iterative strategies (Gehringer page 5, column 2, lines 12-14). Gehringer teaches a peer-grading system for reviewing student assignments on the Internet. Students use the system to submit their assignments. Once the assignments are submitted the reviewers are assigned to review and grade the student assignments (Gehringer page 2, lines 1-20 and page 5, column 1, lines 6-12 and 43-54). Additionally, Gehringer teaches the assignment of two review deadlines. The deadlines are cutoff dates for submitting work.

Carden, Gehringer and Evans are analogous art since each disclosure teaches a mechanism for accepting and reviewing documents prior to publication.

Therefore, it would have been obvious to one of ordinary skill in the art, having the teachings of Carden, Evans and Gehringer before him at the time of the invention was made, to modify the peer review process as taught by Carden to include the random review process of Gehringer, and the plagiarism checking system of Evans, in order to obtain a system that is able to perform a peer review and assign reviewers at random and validate a documents authenticity. One would have been motivated to make such a combination because the need to assign arbitrary reviewers within a peer review process as taught by Gehringer and the need for academic institutions and publishers to check manuscripts for authenticity as taught by Evans.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. *In re Heck*, 699 F.2d 1331, 1332-

33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting *In re Lemelson*, 397 F.2d 1006,1009, 158 USPQ 275, 277 (CCPA 1968)).

Response to Arguments

6. Applicant's arguments filed 03/03/2006 have been fully considered but they are not persuasive.

Applicant's argument that Broder does not teach comparing a documents full text

Applicants argue that Broder does not teach comparing a full document text with a full text of a paper identified as a possible match because the applicant interprets the prior art as only teaching the process of breaking the document into small shingle subsets which comprise a subset of an entire document and therefore do not check an entire document against a possible match (see argument page 3, Para 2, lines 1-15).

The Examiner disagrees.

Broder expressly teaches a process of comparing identical documents where the entire document is compared against previously fingerprinted documents and if an identical match has been made then the clustering system can eliminate one of the identical documents from the search engine database and maintain a reference to where the deleted document originated. The Examiner interprets the teachings of Broder as explicitly teaching a process of comparing the entire text of an original document to a possible match (see column 10, lines 22-30) where Broder states " For identical documents, fingerprint the entire document" and "for equivalent documents, fingerprint either the canonical form or the set of shingles sorted". While the document may be eliminated from the database, nonetheless a full document scan is performed when a new document is encountered.

Applicant's argument that Broder does not teach an originality report showing level of duplication

Applicant argues that Broder does not teach the generation of an originality report wherein the report shows a level of duplication between a papers full text and the full text of possible matches because the applicant interprets the prior art as presented above as not being able to compare a

full document text to another full document text and that Broder only teaches existence of and not similarity of (See applicant's argument page 4, Para 4, lines 1-10).

The Examiner disagrees.

Broder expressly teaches a real-time resemblance process (See column 11, lines 49-51) where Broder teaches a process of performing a full document scan and sorting the number of shingles that match and based on the number of shingles, present the result as to the level of resemblance and combined with the teachings (Column 10, lines 20-30) that full documents are scanned then the Examiner interprets Broder as scanning an entire document and looking up the shingles that match and then sorting the matches and presenting the results to the user, which is a form of an originality report.

Moreover, Broder expressly teaches a process of checking for resemblance of documents in a Plagiarism and Intellectual property situation where authors can detect copies of their own work using a resemblance technique that employs a containing/contained technique that can possess a full document to full document comparison.

Applicant argues that there is no motivation to combine the prior art of Carden with Broder
Applicant argues that there is no motivation to combine the prior art of Carder with Broder because the applicant interprets the prior art of Broder as not teaching the checking of the entire document against another entire document and where Broder does not teach the generation of an originality report (See Argument page 5, Para 2, lines 1-10).

The Examiner disagrees.

The Examiner notes that a response to these arguments have been presented above and further notes that in response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5

USPQ2d.1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

In this case, Carden and Broder are analogous art because they are from the same problem solving area of processing documents on the internet and relating documents to a plurality of documents. Further, Broder and Carden comprise processes to accept not only documents but also all forms of multimedia. Broder suggests the combination where authors can detect illegal copies of their work and Carden is a process of authors submitting manuscripts for review by a second party over the Internet. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the manuscript system of Carden to incorporate the resemblance tracking of manuscripts for the purpose of detecting illegal copies of an author's work as suggested by Broder (See column 10, lines 22-31).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Brin, Sergey "Copy Detection Mechanisms for Digital Documents" 1995 ACM and discloses a digital detection mechanism for either full or partial documents where documents can be compared for plagiarism purposes and where the violation is flagged.

7. All claims are drawn to the same invention claimed in the application prior to the entry of the submission under 37 CFR 1.114 and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the application prior to entry under 37 CFR 1.114. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action after the filing of a request for continued examination and the submission under 37 CFR 1.114. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. Theriault whose telephone number is (571) 272-5867. The examiner can normally be reached on M-F 7:30 - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SBT

BAIUYNH
PRIMARY EXAMINER